

EU Leverage and National Interests in the Balkans: The Puzzles of Enlargement Ten Years On*

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Abstract

EU enlargement continues in the Western Balkans in the 2010s because the underlying dynamics remain largely unchanged: EU Member States still see enlargement as a matter of national interest, bringing long-term economic and geopolitical benefits. The risk of instability in the Western Balkans has made the dividends from the EU's 'democratizing effect' especially substantial. I argue that the enlargement process continues to have a 'democratizing effect,' as Western Balkans candidates and proto-candidates respond to the incentives of EU membership: political parties have changed their agendas to make them EU-compatible, and governments have implemented policy changes to move forward in the pre-accession process. Yet the EU is taking on candidates with difficult initial conditions. I explore the changes the EU has made in order to exercise its leverage more effectively in the Western Balkans and check whether these helped overcome the pre-accession process' earlier problems with expertise, consistency and legitimacy.

Introduction

After the European Union's dramatic expansion from 2004 to 2007 from 15 to 27 Member States, the enlargement process is shrouded in mystery. The overall success of enlargement is incontrovertible: new Member States (NMS) and old Member States (OMS) alike have benefited economically from the expanded internal market, and geopolitically from greater stability and security. The European Union (EU) has embraced enlargement as its most effective foreign policy tool – and can credibly argue that the EU's enlargement has been the most successful democracy promotion policy ever implemented by an external actor. While in some cases EU leverage reinforced an existing liberal democratic trajectory, in others it was critical in helping to move a state away from illiberal or authoritarian rule (Cameron, 2007; Vachudova, 2005). 'Enlargement', the European Commission writes, fosters reform in the candidate states and 'reinforces peace and stability in Europe' (European Commission, 2009).

But in the 2010s, enlargement continued in difficult circumstances – and some have questioned whether it has continued at all. For years, the EU has been preoccupied and

* I would like to thank Rachel Epstein, Wade Jacoby, Andrew Moravcsik, Daniel Nielson, Ulrich Sedelmeier, Jelena Subotic, Marko Žilović and two reviewers at JCMS for comments on earlier drafts. I would also like to thank Besir Ceka for research assistance. For discussions that informed parts of this article I am grateful to Dimitar Bechev, Florian Bieber, Danijela Dolenc, Eric Gordy, Sean Hanley, Dusan Jovanovic, James Ker-Lindsay, Senada Šelo Šabić, Jovan Teokarević and numerous officials of the European Union and Western Balkan governments. I benefited greatly from audiences at the London School of Economics, the School of Slavonic and East European Studies (SSEES), Yale University and Stanford University – and from workshop participants in Park City and Denver. The research for this article has been funded by a grant from the National Council for East European and Eurasian Studies (NCEEER), and also the Center for European Studies and European Union Center for Excellence at the University of North Carolina at Chapel Hill.

weakened by the financial and economic crisis that has undermined national economies and left many national leaders on shaky footing at home. Economic hardship and the EU's disjointed, even chaotic response has damaged the EU's power and tarnished its image. The crisis has also made EU citizens and leaders more wary of further enlargement (Szołucha, 2010). Some have argued that consequently the pre-accession process is all but dead – and questioned whether Western Balkan states still even want to join *such* an EU. Meanwhile, the Western Balkan states in the pre-accession queue are themselves no picnic. In the 1990s, most were involved in ethnic wars that caused or worsened problems related to sovereignty, territory, ethnic minorities and state capture. They face severe problems that require an overhaul of the state and economy – and it is an open question whether the EU's leverage can bring about sustained reform in all of them. This uncertainty is underscored by the very disappointing performance of the eastern Balkan countries of Bulgaria and Romania in fighting corruption, building independent institutions and bolstering the rule of law before and since their accession to the EU in 2007.

Yet EU Member States continue to make choices – year after year – that keep the enlargement process going. In 2013, Croatia joined after some 12 long years of reform, negotiations with Montenegro were moving forward and EU leaders agreed to put the start of negotiations with Serbia on the calendar for January 2014. I argue in this article that EU Member States still see enlargement as a matter of national interest because it brings net economic and geopolitical benefits over the long term. The Western Balkan states taking part in the pre-accession process in the 2010s are: Albania, Bosnia, Kosovo, Macedonia, Montenegro and Serbia. When EU leaders consider these candidates, it is the geopolitical benefits of enlargement that are the main selling point as the economic benefits will be quite small. The states left in the membership queue have greater security risks and lower economic potential than the previous post-communist applicants. Paradoxically, this has reinforced the commitment of EU leaders to enlargement: the dividends from the 'democratizing effect' of the enlargement process (or the costs of forgoing them) are considered substantial, while the economic adjustments brought on by the accession of such small economies will be low.

I also argue that the enlargement process does continue to have a 'democratizing effect' (Vachudova, 2005). Some Western Balkans candidates and proto-candidates are responding to the incentives of EU membership in much the same way as their post-communist predecessors in the membership queue did. As predicted, in some cases, political parties have fundamentally changed their agendas to make them EU-compatible, and governments have implemented dramatic policy changes to move forward in the pre-accession process (Vachudova, 2008). These policy changes usually enhance the quality of democracy, especially if they are accompanied by durable institutional change, though in some areas there is certainly room for debate (see Schimmelfennig, 2007). The underlying dynamic of the EU enlargement process is still asymmetric interdependence: the candidate states stand to gain more from joining the EU than do existing members (Moravcsik and Vachudova, 2003). It is therefore in their national interest to comply with extensive entry requirements in order to secure membership through a lengthy and uncompromising process – and one that is arguably imposing more conditions on the Western Balkan candidates than on previous candidates. But as EU leverage zeroes in on building independent institutions and fighting corruption, it poses a greater threat to the wealth and power of entrenched rent-seeking elites than before. As Croatia's membership

trajectory illustrates, what is good for the country as a whole is not necessarily good for corrupt ruling elites, and it remains to be seen how many can be unseated by political competition in concert with EU leverage.

When dealing with the Western Balkan states in the pre-accession process, EU Member States and institutions have applied lessons learned from the 2004/07 enlargements. The most important ones are that leverage works well only *before* accession, and that a longer period for exercising conditionality is needed in certain areas. While learning has helped, I also explain briefly why EU leverage in the Western Balkans has been weakened by inexperience, illegitimacy and inconsistency. First, the EU has had little experience or expertise in using its leverage to bolster the rule of law and the fight against corruption among candidate states since these anchors of competent governance are addressed only indirectly by the existing *acquis communautaire*. Second, on issues that impinge on national sovereignty and identity, the EU has had to face greater challenges to the legitimacy of its leverage – and these sorts of issues have also provided political shelter for rent-seeking elites (Noutcheva, 2012). Third, the EU has weakened its hand by sometimes being inconsistent in laying out and enforcing the requirements for moving forward in the pre-accession process.

Meanwhile, much has changed over the last decade in how scholars and other observers debate the merits of the EU's enlargement process for the region's post-communist candidates. The concern that the EU was too heavy handed, too dictatorial in imposing its rules and institutions on post-communist members has been almost entirely eclipsed by criticism that the EU was not thorough, explicit and consistent enough in its demands – and not vigilant enough in its enforcement. When faced with stalled or shoddy reform in a candidate country, it is always relatively easy for scholars to point out the shortcomings of EU policy; indeed, this is far easier than untangling the complicated domestic factors that allow contented power holders to perpetuate the status quo. It is ultimately domestic actors that make choices about the pace and quality of reform. Given the complexity, breadth and relative uniformity of the EU's accession requirements, the great variation in outcomes across the EU's ten new post-communist members underscores that the details of domestic reform have largely been determined by domestic factors. However, I also explore the EU's shortcomings, and argue that it has undermined incentives for reform in some cases, especially in Bosnia and Macedonia.

The rest of this article is divided into three parts. The first part explores in a general way why the dynamics of the EU enlargement process have remained more or less the same from the perspective of existing EU Member States. The second part looks at how political party positions and government policies have changed in response to EU incentives in Croatia and Serbia. The third part sketches the changes that the EU has made in order to exercise its leverage more effectively, and whether these have helped overcome problems with expertise, consistency and legitimacy in the pre-accession process.

I. The EU Member States: The Enduring Logic of Enlargement

The EU enlargement process has continued in the Western Balkans, despite reports of its demise (for example, Cunliffe, 2012). Enlargement has suffered as a result of the economic crisis, with European governments distracted and under the stress of economic austerity, and with Western Balkan governments and citizens coping with a deep and

lasting recession that has brought hopelessness and hardship to many (see Bechev, 2012). Some have argued that the EU has used its leverage poorly *vis-à-vis* the Western Balkan states, and that its mistakes have pushed these countries away from reform (Cunliffe, 2012). Enlargement fatigue, triggered by the challenges of integrating the NMS, especially Romania and Bulgaria, and deepened by the economic crisis, would be very difficult for the EU to overcome (Szolucha, 2010).

On the ground, however, the evidence all points to a process that has continued – slowly, but doggedly – hampered more by difficult initial conditions in the Western Balkan candidates and by entrenched elites there than by the EU's indifference. I find that, from the perspective of EU Member States, the underlying dynamics of enlargement remain largely the same because enlargement brings economic and especially geopolitical benefits over time. There are of course substantial differences in how much individual EU Members support enlargement to specific candidate states; these national positions generally reflect preferences that are beyond the scope of this article and are well covered elsewhere (see Moravcsik and Schimmelfennig, 2009). But there is little evidence that the process has been halted by EU Member States. If, for example, a country like Germany, where public support for enlargement is weak, were genuinely seeking to stall enlargement, it would not have agreed to open negotiations with Montenegro in 2012 or with Serbia in 2014; instead, it has taken the lead in using conditionality to get results (Judah, 2013). Overall, if EU Member States no longer wanted enlargement, we would expect to see them make a deal with power-holding elites in the Western Balkans. In exchange for putting plans for full EU membership on the shelf, the EU could offer them some kind of an associate membership – and, crucially, ease up on pressure for reform of the state and the economy that might threaten their domestic sources of power. So far, no such deal is on the table.

The Long-Standing Dynamics of the Enlargement Process

When considering why the EU has continued the enlargement process, it is important to look at how the relationship between the EU and its democratizing neighbours unfolded after the fall of communism. When the dissidents who had courageously opposed communist regimes and dreamed of a democratic, European future for their countries became, overnight, the leaders of a free Poland, Czechoslovakia and Hungary, the EU did all but nothing to help them. During 1990 and 1991, which were long years of economic hardship and uncertainty, especially in Poland, the new democratic governments were shocked that access to the EU's internal market and a path to EU membership were not forthcoming. These restrictions were reinforced in the 1991 Europe agreements (Vachudova, 2005).

Over the course of 1992 and 1993, EU leaders made a series of decisions to offer the perspective of EU membership to the EU's immediate eastern neighbours. Despite the ungenerous way that the EU treated its post-communist neighbours early on, some constructivist scholars argued that, later, they successfully made the case that the EU had a particular obligation toward them, and that enlargement was the product of the rhetorical entrapment of EU leaders (Sedelmeier, 2005; Schimmelfennig, 2003). There were no doubt many forces at play, including idealism, but as I argued with Andrew Moravcsik in 2003 there were also tangible geopolitical and economic benefits on the table (Moravcsik and Vachudova, 2003). Ten years on, considering enlargement to the Western Balkans in a time of economic crisis, it is hard to see how weak candidate states, sceptical publics or

even the European Commission could be ‘trapping’ Member States into carrying on the process.

Scholars also argued that if national interests were driving EU policy towards its post-communist neighbours, the EU would only offer them associate membership – a much less costly relationship (Schimmelfennig, 2003). Associate membership, however, could not deliver the same benefits in the areas of regional security, immigration and economic growth. Most important, it could not lock in economic and regulatory reform – and deliver the same *likelihood* that a state would remain stable, democratic and pro-western. Ten years on, there is not a single country on the EU’s borders with an association agreement but without a membership perspective that can be described as a stable, democratic and dependable political ally and economic partner for the EU. And while the recent illiberal behaviour of governments empowered by legislative supermajorities in Hungary and (less so) in Romania has caused concern, there is no question that EU membership has had a restraining influence (Sedelmeier, 2014; Pop-Eleches, 2013).

When the EU began post-communist enlargement in the mid-1990s, the goal was not to export democracy; instead, it was to import a buffer of well-functioning democracies with growing economies and strong state capacity. By the late 1990s, the purpose of enlargement had broadened. The EU had become quite ambitious on the world stage and made strong commitments to revitalize the Western Balkans. What had been separate – enlargement and foreign policy – was brought together as leaders realized that the EU’s most effective foreign policy tool was indeed enlargement. The EU would use the power of its enlargement process to transform the Western Balkans, opening a new chapter after a shameful decade of failure in the region (for early plans, see European Council, 1997). Western Balkan states were offered a membership perspective for the first time in Sarajevo in 1999 as part of the stability pact for south-eastern Europe – and this perspective has since been reaffirmed many times (Commission, 1999; for background, see Smith, 2003; Vachudova, 2003).

The reasons for EU Member States’ support for continued enlargement to the Western Balkans are the same as for earlier enlargements: fostering stable democratic regimes in the EU’s backyard (or internal courtyard). There is the perception of abiding geopolitical risks: the EU will pay the price in myriad ways for ethnic conflict, economic collapse, lawlessness, instability and poor governance in the region if it does not pursue enlargement. EU Member States thus have a strong interest in seeing the EU’s ‘best available’ democratizing tools deliver far-reaching reform.

The Economic Costs and Benefits of Enlargement

While the geopolitical benefits of enlargement to the Western Balkans are potentially substantial, the costs of admitting them are low in some important ways. These are very small countries that should be easy to integrate from the point of view of EU institutions and the EU budget. As in the past, Member States know that they can impose long transition periods on the free movement of labour, lower transfers from the EU budget and other arrangements in order to mitigate short-term adjustment costs. The EU bargaining process works this out ‘much as it has prior conflicts about the uneven distribution of the costs of integration projects that are beneficial overall’ (Moravcsik and Vachudova, 2003, p. 43). The costs and benefits of EU enlargement may not be evenly distributed across the

existing EU Member States, but negotiations yield transition periods and side payments that bring all EU governments on board (Plümper and Schneider, 2007; see also Moravcsik and Schimmelfennig, 2009).

Ten years after the 2004 enlargement the evidence suggests that, as a whole, OMS and NMS have strengthened their economies due to enlargement. The economic balance sheet is important because it helps shape how EU governments think about future enlargements, even if the relative economic weight of the Western Balkan candidates is small. As the Commission observes, the enlargement process has:

boosted the economies and improved living standards in the new Member States, thereby also benefiting the old Member States notably through new export and investment opportunities. It has strengthened the economy of the Union as a whole, through the advantages of integration in a larger internal market. (European Commission, 2009, p. 3)

Advantages include a more efficient division of labour and greater global competitiveness among some OMS, accompanied by economic modernization, rising investment and rising trade in the NMS (Sweeney, 2010; European Commission, 2009).

Overall, for the OMS, studies find a modest increase in economic output that can be attributed to the enlargement process. However, among and within the OMS there have been relative economic winners and losers from the 2004/07 enlargement (see Epstein, 2014; Jacoby, 2014). What stands out is that the OMS with the strongest economic ties to the NMS, such as Germany and Austria, have benefited more than others. Germany, their largest trading partner, enjoyed a marked increase in production in the tradable sector of the economy, a sizeable increase in wages and a decrease in unemployment (Baas and Brücker, 2011). Spain, Portugal, Italy and Greece, however, suffered as capital that could have boosted competitiveness was diverted to the NMS that offered a more promising investment environment (Gill and Raiser, 2012, pp. 13–14; Medve-Bálint, 2014). For the Western Balkan candidates, this will look different since their economic ties are strong with Italy and Greece as well with Austria and Germany.

As anticipated, since accession, the NMS accrued greater economic benefits than the OMS, including improved living standards for their citizens, accelerated economic growth and substantial financial transfers. The picture looked especially positive in 2008 before the financial and economic crisis accelerated. Economists found evidence for substantial convergence between individual NMS economies and the OMS average over the previous ten years (European Commission, 2009; Rapacki and Próchniak, 2009; Gill and Raiser, 2012). Additional growth from enlargement across the NMS was estimated at 1.5–2.0 per cent of gross domestic product (GDP) per year, while transfers from the EU budget averaged about 2.0 per cent of GDP per year (Sweeney, 2010). A 2009 report by the IMF concluded that ‘the distinction between NMS and OMS has become increasingly obsolete, with some NMS countries for instance already exceeding per-capita GDP in some OMS countries’ (Čihák and Fonteyne, 2009, p. 41).

The picture is less positive in 2013 as Europe’s low growth economy puts in question the future of the ‘European integration model of convergenc’, although what is taking shape is more of a north–south divide than one between the OMS and the NMS (Landesmann, 2013; see also Epstein, 2014; Jacoby, 2014). For the Western Balkan candidates, high economic growth tied to foreign investment and trade with the eurozone translated into recession and unemployment after 2008 – and prospects for a return to high

growth are grim (Bechev, 2013; Landesmann, 2013). Still, no one suggests that their economic future would be brighter outside of the EU than inside of it.

II. The Candidate States: Party Positions and Government Policies Respond to EU Leverage

The basic equation underpinning the enlargement decision for eligible neighbouring states has also not changed: the benefits of joining the EU (and the costs of being excluded from it) create incentives for governments to satisfy the EU's extensive entry requirements. For the EU's post-communist neighbours, membership has brought economic benefits and also a very pleasing geopolitical change of fortune through the protection of EU rules, a new status *vis-à-vis* neighbouring states and a voice in EU institutions (Vachudova, 2005). The promise of EU membership for candidate states was summed up by the Slovak Foreign Minister Miroslav Lajčák when addressing his Serbian counterparts in September 2012. He explained that Serbia was very fortunate to have the EU perspective, and that it should not dwell on whether or not the requirements are 'fair'. The *acquis* is a complex, moving target, but it is not designed that way to thwart candidate states; rather, it is a reflection of the EU's ongoing integration. The pre-accession process has rules and procedures that help countries implement necessary reforms, and they should not (and will not) be changed. Conditionality is very important in getting these reforms done. Candidates should therefore focus on substance, and not status, in the negotiations: they cannot enter the EU as 'equal partners'. However, once a country attains membership, there will be a chair waiting for it at the table – and it will have the same influence as other EU members.¹

I argue in this section that political parties and governments in at least some of the candidate states in the Western Balkans are responding to these incentives by changing party agendas and implementing new policies, even in the face of tougher EU requirements. I focus on Serbia, which is now following in the footsteps of Croatia, and sketch briefly the unique problems for EU-compatible political contestation in Montenegro and Bosnia. Political parties are arguably the most important and most proximate source of domestic policy change – and thus of compliance or non-compliance with EU requirements. When major political parties respond to EU leverage by adopting an EU-compatible agenda, I call this mechanism 'adapting'. Constructivist scholars point to national identity, domestic narratives and social norms as helping shape the environment within which elites form preferences and choose strategies; this is consistent with, though not necessary, for my argument (see, among many, Epstein, 2008; Subotic, 2012). Candidate states where regime change in 1989–91 was followed by illiberal democracy or authoritarianism are the most interesting. Here 'adapting' often comes in two rounds. In the first round, reform-oriented parties in opposition to the authoritarian ruling parties rally around a pro-EU agenda, entwined with their broad pro-democracy agenda. In the second round, the authoritarian and anti-EU parties make themselves EU-compatible, realizing that this is the only way to get back into the electoral game (Vachudova, 2008).

Croatia is a case in which my theory of EU conditionality and political competition is broadly confirmed. As predicted by the adapting model, Croatia's party system

¹ Remarks at the Belgrade Security Forum, September 2012. Available at: [«http://belgradeforum.org»](http://belgradeforum.org).

experienced a dramatic change after 2000, not just with the ousting of the vicious authoritarian regime of Franjo Tudjman but also, crucially, with the transformation of the agenda (if not the membership) of his extreme right-wing Croatian Democratic Union (HDZ) party. The HDZ embraced democratic reforms and preparations for EU membership. This was perhaps easier than in neighbouring Serbia because Croatia's belonging to western Europe had never been questioned by the HDZ (Subotic, 2010) because the west supported Croatia in Operation Storm and because the destructive grip of authoritarian forces was somewhat weaker (Dolenec, 2013).

After the HDZ recaptured power at the end of 2003, Prime Minister Ivo Sanader led a government that put preparations for EU membership at the heart of its governing programme – and that included reforming the judiciary and bolstering institutions to fight corruption (Konitzer, 2011).² What Sanader did not apparently consider, however, was that these more independent institutions might go after him. He was indicted on a colourful array of corruption charges and, in November 2012, was sentenced to ten years in prison by a Croatian court (Barlovac, 2012).

When Croatia joined the EU in 2013 there were still problems, of course, including quite high levels of organized crime and corruption, and the absence of efforts to encourage refugee return among Croatia's erstwhile Serbian minority (see European Commission, 2013a). Celebrations attending the 2012 verdict of the International Criminal Tribunal for the Former Yugoslavia (ICTY) freeing former general Ante Gotovina on appeal showcased the dark side of Croatian nationalism, and Croatia must be judged on how it pursues war crimes trials at the domestic level. A cynic can look at Croatia and say that it is simply the beneficiary of relative economic prosperity and of ethnic cleansing that removed the Serbian minority in 1995. But the removal of the Serbs forced nationalist politicians in Croatia to move on from ethnic scapegoating and tend to domestic reform in response to the expectations of their voters for a rising standard of living and a more efficient state. Sanader's reform of the HDZ party is consistent with the adapting model that expects leaders of post-authoritarian parties to moderate party agendas in order to stay in the political game – and then pursue reforms that the EU now insists include building independent institutions in order to move forward in the pre-accession process (Vachudova, 2008). But this sequence of events (affectionately called 'Sanaderization') may be less likely going forward as entrenched and corrupt political leaders in the region, not wishing to join Sanader behind bars, come to see EU-led institutional reform with greater caution.³

The behaviour of Serbia's largest formerly authoritarian parties was, in 2012 and 2013, also strongly and, for some, unexpectedly consistent with the adapting model as these parties made satisfying difficult EU requirements a priority. Over the last decade, the axis of competition in Serbia shifted dramatically (Dolenec, 2013). The populist and extreme right-wing Radical Party split in 2008, with Tomislav Nikolić and Aleksandar Vučić bringing many party members into the new Progressive Party (SNS). Nikolić proclaimed that it was his support for Serbia's integration into the EU that forced a split from the

² On the HDZ's turn back to nationalism after it lost power in 2011, see Jović (2012).

³ Thanks to Kristof Bender, Florian Bieber, Dejan Jović, Senada Šelo Šabić, Jovan Teokarević and other participants at the conference 'Leaving Europe's Waiting Room: Overcoming the Crisis of EU Enlargement in the Western Balkans' at the University of Graz in November 2012 for a great discussion on this point. For more information on Croatia, see the website of the European stability initiative (<http://www.esiweb.org>) that includes the documentary film 'Twilight of Heroes: Croatia, Europe and the International Tribunal'.

Radical Party loyal to Vojislav Šešelj, a warmongering chauvinist and ultranationalist. Meanwhile, the Socialist Party of Serbia (SPS), the party of Slobodan Milošević, has adopted an agenda supporting Serbia's membership in the EU under its new leader, Ivica Dačić. After the May 2012 parliamentary elections, the Progressive Party and the Socialist Party formed a coalition and Dačić became prime minister, marking a return to power of Milošević's associates.

Even though Europe's crisis hit Serbia especially hard and the Democratic Party (DS) government in power since 2008 had little to show economically, its leader Boris Tadić was widely expected to win the May 2012 presidential elections. Tadić and the DS had long presented themselves at home and abroad as the only hope for a reasonable, pro-western, pro-EU government for Serbia. But their track record of compliance was actually mixed: with extremists opposing them at every turn, they counselled the EU and the United States to expect only modest gains – and then, bit by bit, delivered these gains in highly significant foreign policy areas such as co-operation with the ICTY, remembrance in Srebrenica and the regulation of relations with neighbouring Kosovo. They also formally applied for EU membership and laid the groundwork for transposing the *acquis*. What Tadić and the DS did not deliver, however, was domestic reform. Instead, changes to the judiciary filled it with DS acolytes; party control and the sale of jobs in the public sector increased; the media was largely under DS control; the oligarchs acted with impunity; and there was little progress in improving Serbia's business environment. Nikolić defeated Tadić in the second round of the presidential elections in part because a small number of former supporters of the DS took part in the 'white ballot' campaign and did not vote at all. Some former DS supporters even spoke out in favour of voting for Nikolić on the logic that the tempering effect of government could be beneficial for the Progressives, Serbia's largest political party and that – as the adapting model predicts – this party may be more able and willing to comply with EU requirements than the DS.

After Serbia's new coalition government led by the Progressive and Socialist parties had been in power for almost one year in June 2013, there was evidence that it had made major policy changes in order to move forward in the EU pre-accession process. The Progressives seemed to enjoy more room to manoeuvre thanks to their long hiatus from power and their impeccable nationalist credentials. Serbia's most powerful politician, the Progressive leader Aleksandar Vučić, explained that: 'Now we have to pay for it all – Kosovo, corruption, public debt' (B-92, 2013). Vučić took on the fight against corruption with unexpected vigour and had, among others, the most powerful oligarch in Serbia jailed and indicted on corruption charges (Jovanovic, 2013). The most consequential breakthrough was an agreement between Kosovo and Serbia that integrates the institutions of the Serbian municipalities in northern Kosovo into the Kosovar state in exchange for extensive local autonomy (see Bechev, 2013; Lehne, 2013). For this, the Serbian government was rewarded by the European Council with a start date for Serbia's official accession negotiations in January 2014. Meanwhile, despite economic stagnation, support for the EU among Serbian citizens was rising in 2013, with polls showing that an accession referendum held 'today' would pass with around 65 per cent of the vote, similar to the margin in 2012 in neighbouring Croatia. Opinion polls also showed that Progressive Party voters were following the government's lead and becoming more supportive of an agreement on Kosovo *and* of European integration (IPSOS, 2013). Much remains undone, from prioritizing domestic war crimes trials and downsizing the state to building

independent state institutions and freeing the media. But looking back at two decades of post-communist transition we see that sometimes it is the post-authoritarian parties that enact the most difficult reforms, in part to lend credence to their new identity.

The most uncertain piece of the reform puzzle in Serbia as in other Western Balkan candidates is consistent engagement and pressure for reform on the part of voters, civil society and interest groups (on variation in post-communist Europe, see Jacoby, 2006; Pop-Eleches and Tucker, 2011; Ceka, 2012) – and on the part of a robust opposition (see Grzymala-Busse, 2007). Without this kind of pressure for accountability and better government performance, the Progressive/Socialist government may prosecute opposition oligarchs and make slow progress on Kosovo, even as they build up their own corruption rackets and thwart the creation of independent institutions. The start of EU negotiations with Serbia should help by shifting the weight of conditionality from external issues such as relations with Kosovo to domestic reform such as strengthening the rule of law, reforming the public administration and reshaping the role of the state in the economy.

Another barometer for the effectiveness of EU leverage is Montenegro, which was given the green light by EU leaders to start negotiations in 2012. By then, all of Montenegro's major parties had adopted positions supporting EU membership. What sets Montenegro apart from Croatia and Serbia is the startling absence of political turnover. This makes it a difficult case for the adapting model – and for the EU: can government policy in pursuit of EU membership really create independent state institutions and bring 'Sanaderization' if the same politicians are always in power? Or will institutional reform snowball into greater political competition and civic participation? It is too early to say. For the negotiations to conclude successfully, Montenegro's state institutions, especially the judiciary, will need a thorough overhaul that includes dramatic improvements in the fight against corruption and organized crime. The puzzle in Montenegro is whether such far-reaching reforms can actually be considered successful without putting Prime Minister Milo Đukanović and his associates, who have benefited from colossal rent-seeking and links to organized crime while in power for over 20 years, behind bars (see Hopkins, 2012).

Yet it is far harder to imagine political competition and new government policies bringing comprehensive reform to Bosnia, whatever the formal positions of Bosnia's parties on joining the EU. This makes Bosnia another difficult case for the adapting model as its unwieldy institutions create terrible incentives for politicians, regardless of political turnover. While in the war Bosnian Serbs as well as Bosnian Croats launched a brutal ethnic cleansing campaign against Bosnian Muslims (who also committed war crimes against Serbs and Croats though on a lesser scale), today politicians representing all three ethnic groups appear to be co-operating fully in preserving a status quo that immiserates all Bosnians. The engagement of citizens and interest groups in politics is even weaker than in Serbia and Montenegro, making the costs for politicians of not complying with EU requirements even lower (Džihic and Wieser, 2011). Politics has been reduced to mono-ethnic platforms and backroom deals among party leaders – and these leaders preside over authoritarian structures that doggedly pursue personal and party agendas at great cost to the citizens (see Bieber, 2011; Reeker, 2013). What citizens of Bosnia get is poor governance at great expense – and the institutions are especially dysfunctional on the Federation side where the entity government shares power with ten cantons. Yet there is some change: as I finish this article in June 2013 citizens have turned out for unprecedented protests aimed against the country's predatory political class and its huge

governance failures (see Štiks, 2013; Bieber, 2013) – at a time when protest movements against the misuse of power have also taken hold in Bulgaria and Turkey.

III. Problems with Expertise, Legitimacy and Consistency – and Learning to Overcome Them?

As we have explored above, the object of the EU's pre-accession process is to create incentives for governing elites to enact EU-prescribed domestic reforms – and to provide guidance on how to design and implement high-quality versions of these reforms. What, then, have EU Member States and institutions learned from the 2004/07 enlargement that they have applied to the pre-accession process with the Western Balkan states to make this outcome more likely? Have these innovations helped address problems with expertise, legitimacy and consistency in the process? Taking a broad view, EU actors have learned three things: that leverage works well only *before* accession, that a longer period for exercising conditionality is needed, and that fostering the rule of law and independent state institutions takes finer-grained requirements that are also better enforced.

As a rule (though one roundly broken by Hungary), reforms in post-communist states have suffered little backsliding after membership in the EU is achieved (Dimitrova, 2010; Levitz and Pop-Eleches, 2010; Sedelmeier, 2012). This is only meaningful, however, if reforms are adequate at the moment of accession. In 2007 in what is now widely considered a mistake, the EU admitted Bulgaria and Romania despite grave problems with the rule of law, organized crime and the fight against corruption. The European Council created the co-operation and verification measure (CVM) to ramp up reform in these areas after accession, primarily through detailed monitoring. While useful, the CVM has not had enough traction to compel comprehensive reform in either country – and everyone agrees that pre-accession leverage is far more powerful (Spendzharova and Vachudova, 2012; Ganev, 2013).

The EU may now be resolute about enforcing higher standards related to the rule of law and the fight against corruption, but it has relatively little expertise since these and other areas bearing on the quality of democracy have been addressed only indirectly by the existing *acquis* (see Kochenov, 2008). And it turns out that other recent graduates of the EU's pre-accession process such as the Czech Republic and Slovakia are also a playground for elites that prey on the state. The Western Balkans pose an even greater challenge because war, sanctions and isolation have warped more profoundly the rebuilding of the state after communism (Žilović, 2011; see also Dolenc 2013; Šelo Šabić, 2003).

To meet these greater challenges and also higher expectations in areas related to the rule of law, judicial reform and the fight against corruption, EU leverage became more detailed and was delivered earlier in the process for Croatia. The main innovation has been 'benchmarking'. Once screening takes place to ascertain what needs to be done related to each chapter, the Commission can now choose either to open negotiations right away, or require that certain conditions that are called 'opening benchmarks' are met first. For Montenegro, the EU has also chosen to start the negotiations with the most vexing chapters – Chapters 23 (Judiciary and fundamental rights) and 24 (Justice, freedom and security) – so that they get the most possible scrutiny. In the future, the European Commission (2013b) is proposing that 'these chapters would be opened on the basis of

action plans, with interim benchmarks to be met based on their implementation before closing benchmarks are set'. What is perhaps worrying is that the EU rejected a CVM for Croatia as this would signal the failure to reform *before* accession – and yet the Commission's March 2013 report, the last before Croatia joined the EU, pointed to abiding problems related to the rule of law (European Commission, 2013a). The difficult initial conditions in Croatia and in other Balkan states likely mean that however far previous reforms have gone, there is always more to do.

The EU has also created more moments where it can apply leverage well *before* accession. Milestones include: negotiating the stabilization and association agreement (SAA); having the SAA come into force; negotiating a visa liberalization agreement; being recognized as a candidate country; being given an official date for the start of accession negotiations; and then moving forward through the negotiations with the opening and closing of individual chapters (that now also contain opening and closing benchmarks).⁴ The east central European candidates had to go through some, but not all, of these 'conditionality checkpoints'.

Another problem that the EU has encountered in its efforts to shepherd the Western Balkan states through the pre-accession process is that conditionality is more contested on issues related to national sovereignty and identity (Noutcheva, 2012). In each case, slow progress can reflect in different parts the strategies of power-seeking elites as well as public and elite conceptions of the national interest. While several east central European candidates had to comply on issues related to borders, citizenship and minority rights, some of the issues in the Western Balkans have been more intractable. For example, the EU made full co-operation with the ICTY a precondition for moving forward, usefully lending out its leverage but also stalling the accession process with Croatia and Serbia for several years until ruling elites complied. Serbia's progress has also been stalled by the imperative of regulating relations with Kosovo. EU leaders have learned from admitting a divided Cyprus in 2004 that, a decade later, continues to bedevil regional co-operation and economic development. In response, the EU, led by Germany, has prioritized the resolution of issues bearing on national sovereignty, territory and identity, especially in recent years the Kosovo issue (*Balkan Insight*, 2013). It took many years and several governments before the current Serbian government chose to move forward decisively – and here the EU's foreign policy team has enjoyed a much needed triumph in 2013 by brokering a deal between Belgrade and Pristina that, if it works, will also boost perceptions that the EU acts competently in trying to solve outstanding issues related to sovereignty and territory in the region.

In its relationship with some Western Balkan states the EU has also sometimes been inconsistent in specifying and enforcing the requirements for moving forward in the pre-accession process – and this lack of consistency and also clarity has undermined incentives for elites to pursue reform (Anastasakis, 2008). In the most difficult cases, Bosnia and especially Macedonia, the EU – or certain EU Member States – has compounded problems of legitimacy with inconsistent conditionality that can reasonably be blamed for sidetracking reform. The most shocking has been the Greek veto of Macedonia's progress due to the tragicomic name dispute that has empowered and

⁴ For a timeline of these milestones, for Serbia, for example, see: <http://ec.europa.eu/enlargement/countries/detailed-country-information/serbia/index_en.htm>.

unmoored Macedonia's nationalist parties and given them more scope to reverse political reforms. Another example was when the EU cast a unitary police force as a part of the *acquis* instead of accurately as a special requirement for Bosnia, and then walked away once it ran aground. More recently in Bosnia, the EU has backed away from some of its requirements for the entry into force of the SAA – not because it is trying to relegate Bosnia to second-tier membership, but because it is desperate to see Bosnia move forward in the process since an SAA would give the EU more tools to influence Bosnian politics. The problem, however, is that Bosnian elites believe they have learned to manipulate the EU to get around its requirements, and some argue that EU interference may have retarded the growth of the Bosnian state (Bassuener and Weber, 2013; see also Štiks, 2013).

Conclusions

I have argued in this article that the underlying motivation for continuing the enlargement process has not changed: it remains in the EU's interest to secure its backyard. Fears of instability in the Western Balkans have made the EU especially keen to apply its leverage there, while recent setbacks have underscored the importance of using more extensive and consistent conditionality well before accession. This has created a complicated dynamic: on the one hand, EU leaders have insisted more sharply on compliance on critical issues such as solving territorial problems and fighting corruption; on the other hand, EU leaders have also looked for ways to keep troubled states such as Bosnia from falling out of the process altogether.

The motivation for eligible neighbouring states has also not changed: the benefits of joining the EU create incentives for governments to satisfy the EU's extensive entry requirements. Major political parties in all of the Western Balkan states have changed their positions to support EU membership. Only some of them, however, have implemented extensive reform: the short-term interests of political elites who have captured the state may be at odds with European integration. Conditionality is only credible because the EU is willing to stop the process when a government is not making progress on crucial domestic reforms. For this reason, the enlargement process must sometimes come to a standstill for some candidates – and this is not necessarily a sign that it is being poorly managed. That said, in certain areas the EU grapples with problems of expertise, legitimacy and consistency that have, for example, helped to undermine the incentives for reform in Bosnia and Macedonia.

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